

Message Text

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ACTION DLOS-06

INFO OCT-01 IO-13 ISO-00 FEA-01 ACDA-07 AGR-05 AID-05

CEA-01 CEQ-01 CG-00 CIAE-00 CIEP-01 COME-00 DODE-00

DOT-00 EB-07 EPA-01 ERDA-05 FMC-01 TRSE-00 H-02

INR-07 INT-05 JUSE-00 L-03 NSAE-00 NSC-05 NSF-01

OES-06 OMB-01 PA-01 PM-04 PRS-01 SP-02 SS-15 USIA-06

SAL-01 OIC-02 AF-08 ARA-06 EA-07 EUR-12 NEA-10 /160 W
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TO SECSTATE WASHDC PRIORITY 8827

C O N F I D E N T I A L USUN 3401

FROM LOS DEL

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: LOS CONFERENCE: COMMITTEE I DISCUSSIONS ON AUG.

20

SUMMARY: COMMITTEE I WORK SHOP MET MORNING OF AUGUST 20
TO DISCUSS PROPOSALS SUBMITTED BY GROUP OF 77, US, AND USSR
ON SYSTEM OF EXPLOITATION. THE EXCHANGE OF VIEWS FOCUSED ON
SPECIFICS AND WAS WITHOUT RANCOR, EXCEPT FOR SOME NAME
CALLING BETWEEN THE USSR AND PRC. NEVERTHELESS THE GAP
BETWEEN THE INDUSTRIALIZED STATES AND THE GROUP OF 77 WAS
IN NO WAY NARROWED. END SUMMARY.

1. JAGOTA (INDIA), THE PRESIDING CO-CHAIRMAN OF THE DAY,
OPENED THE WORK SHOP WITH A PLEA FOR A "SPIRIT OF FAIRMINDED-
NESS" AND ASKED THAT THE DISCUSSION FOCUS ON QUESTIONS THAT
VARIOUS DELEGATIONS HAD ABOUT THE TEXTS THAT HAD BEEN
CIRCULATED ON THE SYSTEM OF EXPLOITATION. THE FRG (MARTIN)
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MADE THE INITIAL INTERVENTION AND ASKED IF IT WAS CORRECT

TO INTERPRET THE G-77 PROPOSAL AS GIVING ALMOST COMPLETE DISCRETION TO THE AUTHORITY CONCERNING WHETHER OR NOT THE AREA OR ANY OF ITS PARTS COULD BE OPENED, AND WHAT CRITERIA APPLICANTS MUST MEET. HE EMPHASIZED THAT IF THIS WAS CORRECT THERE WAS NO PARALLEL SYSTEM IN THE G-77 PROPOSAL.

2. CHILE RESPONDED THAT THE INDUSTRIALIZED STATES HAD FOCUSED GREAT ATTENTION ON THE NEED FOR AN AUTOMATIC ACCESS SYSTEM IN ORDER TO PREVENT THE AUTHORITY FROM ARBITRARILY INTERFERING WITH THE ABILITY OF STATES TO EXPLOIT THE SEABEDS. HE SAID THAT LDC'S, ON THE BASIS OF LONG EXPERIENCE, WERE EQUALLY CONCERNED ABOUT PREVENTING ARBITRARY ACTION BY PRIVATE CONTRACTORS, PARTICULARLY MULTINATIONAL CORPORATIONS, AND THE DISCRETIONARY POWER GIVEN TO THE AUTHORITY IN THE G-77 TEXT WAS DESIGNED TO AVOID ARBITRARY ACTION BY CONTRACTORS. THE G-77, HE CONTINUED, HAS MADE CLEAR THAT IT DOES NOT WANT THE AUTHORITY TO BE ARBITRARY, AND THERE ARE LIMITS IN THE G-77 TEXT ON THE POWERS OF THE AUTHORITY. HE SUGGESTED THAT THE INDUSTRIALIZED COUNTRIES CONSIDER WHAT OBJECTIVE CRITERIA WERE NECESSARY IN THE TEXT IN ORDER FOR THE SYSTEM TO FUNCTION AND WHAT QUESTIONS COULD BE LEFT FOR NEGOTIATIONS BETWEEN THE AUTHORITY AND CONTRACTORS. HE EMPHASIZED THAT AT A MINIMUM THE AUTHORITY MUST HAVE THE POWER TO PREVENT ABUSES.

3. THE US REP (TATINER) RESPONDED THAT WE ACCEPTED THAT THE AUTHORITY MUST BE ABLE TO PREVENT ABUSE OF THE COMMON HERITAGE OF MANKIND, BUT THE G-77 TEXT WENT FAR BEYOND THIS TO GIVE THE AUTHORITY POWER TO RESTRICT ACCESS ARBITRARILY. IF THE CONCERN WAS ABUSE, WHY WAS SUCH POWER NECESSARY? US REP CONCEDED THAT THERE MIGHT BE CASES WHERE ACCESS COULD FAIRLY BE DENIED TO AN APPLICANT WHO HAD A PROVEN HISTORY OF VIOLATIONS UNDER PARA 14 OF ANNEX I OR LACKED BONA FIDES, BUT THE GROUNDS FOR EXCLUSION HAD TO BE CLEARLY SPELLED OUT IN THE TREATY AND NOT LEFT TO THE DISCRETION OF THE AUTHORITY. US REP THEN WENT ON TO CITE SPECIFIC PROVISIONS IN THE G-77 TEXT WHICH APPEARED TO GIVE THE AUTHORITY ALMOST UNLIMITED POWERS OVER ALL ASPECTS OF EXPLOITATION OF THE SEABEDS. IN REGARD TO THE QUESTION RAISED BY CHILE ABOUT AREAS IN WHICH THE AUTHORITY AND CONTRACTORS SHOULD BE ABLE TO NEGOTIATE, US REP SAID THAT THE BASIC PROBLEM WAS THAT NEGOTIATIONS IMPLIED THE RIGHT OF THE AUTHORITY TO REFUSE TO ENTER INTO AN AGREEMENT. IF NEGOTIATIONS WERE NECESSARY, WHY COULDN'T

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THEY BE CARRIED OUT HERE AND THE OBJECTIVE CRITERIA
ENTERED INTO THE TEXT OF ANNEX I?

4. PERU (DESOTO) SAID IT HAD NO MANDATE FROM THE G-77
TO RESPOND TO THE QUESTIONS RAISED BY THE FRG AND THE
US BUT THEN WENT ON TO DISMISS MOST OF QUESTIONS AS
NOT POSING SERIOUS PROBLEMS. HE CONCEDED THAT THE
CRITERIA IN PARAGRAPH 8 BIS (F) OF ANNEX I OF
G-77 PROPOSAL COULD PERHAPS BE MORE SPECIFICALLY
DEFINED, BUT NOTHING IN HIS INTERVENTION INDICATED
THAT THE G-77 WAS IN ANY WAY BACKING OFF ITS
POSITION THAT THE AUTHORITY BE GIVEN VIRTUALLY COMPLETE
DISCRETIONARY CONTROL OVER THE AREA.

5. THE PRC INTERVENED EARLY IN THE DISCUSSION TO
ACCUSE THE "SUPERPOWERS" OF ATTEMPTING TO DIVIDE UP
BETWEEN THEM THE "COMMON HERITAGE OF MANKIND" AND
TURN IT INTO THEIR OWN PRIVATE PROPERTY. THE SOVIET
UNION RESPONDED THAT THE PRC WAS TRYING TO DISTORT
THE SOVIET POSITION AND SIMPLY WANTED TO EXPLOIT THE
DIFFERENCES OF VIEWS THAT EXISTED IN THE COMMITTEE
RATHER THAN JOINING IN AN ATTEMPT TO RESOLVE THESE
DIFFERENCES. THE PRC COUNTER-ATTACKED BY SAYING THAT
THE USSR WAS ONLY ATTEMPTING TO JUSTIFY THEIR ATTEMPT
TO "SEIZE THE SEABEDS" AND THAT THE SOVIET PROPOSAL
REVEALED THEIR "BASIC IMPERIALIST NATURE." JAGOTA THEN
INTERVENED TO URGE THAT THE DISCUSSION FOCUS ON THE
ISSUES AT HAND.

6. THE COMMITTEE WILL MEET FORMALLY ON MONDAY TO RECEIVE
THE CO-CHAIRMEN'S REPORT WHICH HAS BEEN DELAYED IN
ORDER TO INCORPORATE THE DISCUSSION OF THE LAST TWO
DAYS. THE NEXT WORK SHOP SESSION WILL CONTINUE
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DISCUSSION OF ARTICLE 22.
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